

MINUTES
REGULAR COUNCIL MEETING
CITY OF NICEVILLE, FLORIDA
FEBRUARY 14, 2023

The Niceville City Council met in regular session at 6:00 p.m., February 14, 2023 in the Council Chambers, 208 N. Partin Drive. Mayor Henkel, Councilman Schaetzle, Councilwoman Alley, Councilman Donahoo, and Councilman Williams were present. Councilman Nodjomian was not present. Also present were City Manager, Lannie Corbin; City Clerk, Dan Doucet; City Attorney, Dixie Powell; Police Department, Chief Popwell; Fire Department, Chief Mayville and Assistant Chief Webster; Public Works, Johnathan Laird; Grants manager Ammy Hanson; Building Inspector, Carl Scott; and Deputy Clerk and Finance Director, Steven Rausch. There were 20 additional attendees including other City employees.

Mayor Henkel asked Pastor Doug Stauffer to lead the prayer. Afterwards, all present said the Pledge of Allegiance.

APPROVAL OF MINUTES:

Regular Council Meeting, January 10, 2023
Planning Commission Meeting – No Meeting Held
Local Planning Agency Meeting – No Meeting Held

Councilman Donahoo moved approval of the minutes. Councilman Williams seconded. No discussion followed. Council Vote: Schaetzle-yes; Alley-yes; Donahoo-yes; Williams-yes. Motion passed.

PUBLIC HEARINGS

PRESENTATIONS

Youth Advisory Council - Update

Mr. Doucet introduced Niceville Youth Advisory Council (YAC) Chairman Aleena Ponto who came forward and greeted the City Council. Chairman Ponto said the YAC held a short meeting earlier with all executive YAC members present except Councilman Nodjomian was not present. Chairman Ponto said, we discussed our action plan which was all of our new business. Gianna Johnson will be contacting former YAC board member Michael Panarisi and the Autism Center to learn how we can help them and how he best helped them last year. Therese Sherwin is making a sign-up sheet for our community clean-up, which will be March 11, 2023. I sent out a group e-message this afternoon to 160 members of track team requesting volunteers for the community clean-up, said Chairman

Ponto. We made and gave Valentine's Day cards to the Twin City Pavilion residents on February 9, 2023. They loved the cards. We passed them out and spent some time with them. They were very grateful for that, said Chairman Ponto. Mayor Henkel said thank you for all you are doing. I really appreciate that your team got together and delivered those cards to those folks over there. I know they appreciate it.

Resolution 22-12-01 – A resolution of the City of Niceville urging members of the Florida Legislature to support the 2023 Florida League of Cities Legislative platform.

Mr. Doucet read ordinance 21-03-01 by title. Councilman Schaetzle moved approval. Councilwoman Alley seconded. Any discussion by the Council, asked Mayor Henkel? Councilman Schaetzle said in our Council books, you will find a 2023 Florida League of Cities Legislative platform. It includes priorities and policy positions. There are five of each because there are five committees. I serve on one of them. Previously, we had committee meetings to decide which legislative issues would be the best priority and best policy statement that we're going to put forth to the legislators when they start next month. Council Vote: Donahoo-yes; Alley-yes; Schaetzle-yes; Williams-yes. Motion passed.

CITY MANAGER REPORTS/REQUESTS/RECOMMENDATIONS:

Mr. Corbin said the Niceville-Valparaiso Regional Sewer Board met on February 2, 2023. The plant manager reported that everything was in good shape. We're meeting all of our requirements for treatment and the spray field is also in good shape as far as what they test that goes into the ground. Mr. Corbin said we're having an issue with wild hogs in that area. Rick is working with the National Guard in trying to fix the issue. The plant is in good shape, and as Johnathan Laird will tell you, our water and sewer systems are also in good shape, said Mr. Corbin.

WATER AND SEWER:

Mr. Laird said we have started work on Reeves Street, upgrading water lines from 2-inch to 8-inch diameter. Emergency management was in town today and completed their annual inspection of all of our wells, which went well.

We had 49 water calls and 17 sewer calls. We made 4 water taps, 21 sewer taps, and 188 line-spots. We changed out 43 water meters and have completed 441 service orders.

STORMWATER:

Mr. Laird said, we completed our retaining walls on Bayshore Drive and the stormwater project on Red Maple Way. After completion we will be moving to Sabal Palm Drive to

fix a 60-foot leaking pipe. We're still working with Okaloosa County on the Stormwater issue at 1754 Thomas Street. We submitted a set of plans to the County, so we're just waiting for their response.

STREETS:

Palm Boulevard, from Bayshore Drive to Highway 20 is still on track to start at the end of this month or the first of March, said Mr. Laird. The sidewalk project on Bailey Street, from 27th to 23rd Street is complete. The sidewalk project on 27th Street, from Reeves Street to Wise Avenue is complete. We put a little sidewalk in there to get the Plew school kids to the crosswalk and it turned out well.

We had our biweekly conference today, so the completion date for the Johns Sims paving project is projected to be March 1, 2023. Highway 85 is still on track to be completed by April 7, 2023. We completed the lighting and landscaping at the new mural at Evans Street and John Sims Parkway.

We want to thank Okaloosa Public Arts (OPA) for their donation of the two Herons. One is at Turkey Creek and one is at the Senior Center. It turned out really well, said Mr. Laird. They do look good, said Mayor Henkel.

Lastly, we have started getting updated pricing for the renovation project at Meigs Park, said Mr. Laird. Did you get the email I sent you referencing some citizens who want to help with the Meigs project, asked Mayor Henkel? Yes sir, replied Mr. Laird. Do you believe March 1, 2023, asked Mayor Henkel? No sir, replied Mr. Laird.

Councilwoman Alley said a question was asked of me today about the sidewalk on College Boulevard; do you have an update on that? Mr. Laird, said no, we're working with Okaloosa County on putting that in, so it shouldn't be too much longer. Chad Morris has been working with the County on that. We're moving in the right direction on that. Mr. Laird provided details about the project. More discussion followed about the project.

Councilman Schaeztle asked Mr. Laird, do you have an estimated date of when the Meigs Park renovation project might be started? Mr. Laird replied, we'll start in the next couple weeks, ripping the old court out, while we're in the process of getting prices on that. How many pickle-ball courts do you think you will have there, asked Councilman Schaeztle? We're looking at three or four, replied Mr. Laird.

Councilwoman Alley asked, did you pull the building down behind the Front Porch? We did it yesterday, replied Mr. Laird. Did you see it? Yes, replied Councilwoman Alley. It needed to be, said Mr. Corbin.

Purchasing and Information Technology Update:

Mr. Morris greeted the City Council and Mayor Henkel. To give a little more detail on the College Boulevard project, I spoke with Ms. Carisse LeJeune last week. She was getting information from us on the location of our utilities along College Boulevard. They're getting ready to start planning for that. They have a grant to do the work and it's not going to cost us. Mr. Morris spoke about details leading to the current plan for the County to fund the entire project.

Mr. Morris said the next sidewalk project will be at the entrance to Swift Creek plantation, just a short sidewalk to connect the existing sidewalk to the road. Then we'll move on to Rocky Shores if that's ready to go. We're working on additional plans to repave on Palm Boulevard. We're looking at \$350,000 right now. Mr. Morris spoke about details of future paving plans for after the Rocky Shores project. If any of you know of places within the City that need sidewalks, just drop me an email, and I'll put that on the list, said Mr. Morris.

Mr. Morris said the week before last, I went to a Grants & Resources workshop sponsored by the Northwest Florida League of Cities. They had some pretty good information about some alternative options that might be available. Mr. Morris said we qualify for and some of them and some we don't because our City's population is too large. I'm working with Mr. Corbin on a system for getting information out to departments within the City. Mr. Morris explained some details of their current ideas for the system.

From an IT standpoint, we're just operating. Jessie's back. Everything seems to be going pretty well. Any questions, asked Mr. Morris?

Councilman Schaeztle asked, is the paving on Palm Boulevard, now more likely going to be in sections? Mr. Morris said no, the paving is going to start toward the end of this month. They're still on schedule. That will be from Bayshore to John Sims Parkway. Mr. Morris said, a couple of months ago you had asked us to look at sidewalks along there. The rough estimate was about \$350,000 just for the sidewalks. I think we're going to break that up into two or three phases so we're not throwing all of the money at that. The paving is going to be one project, said Mr. Morris. More discussion followed about details of the project.

Councilman Schaeztle said the grant and resources workshop, that the NW Florida League of Cities sponsored in Fort Walton Beach on February 3, 2023, was excellent for the resources that were available. I'm glad that you and Ms. Hanson attended. Councilman Schaeztle asked who had the two free user access permissions for the eCivis grant software? As of yesterday, Ms. Hanson has one and I have the other one. It's definitely a benefit to the City, said Mr. Morris. Thank you, said Councilman Schaeztle.

Fire Department – Update

Chief Mayville introduced Matt Webster as the newly-promoted Assistant Fire Chief. I've asked Matt to give the briefing tonight and periodically in the future he'll be presenting to you.

Chief Mayville said, last night we had an interesting Commissioner's meeting in Valparaiso, and I'd like to yield the last part of our briefing to Mr. Carl Scott. I think you'll like what he has to say. Mr. Corbin asked, do you want to include it now since he's here? Chief Mayville said, yes and asked Mr. Scott to speak.

Mr. Scott said just to give you a heads-up, the Okaloosa County Gas Board, that Mayor Henkel and I are both on, has decided to build a \$77 million new structure with 44,000 square feet. Mr. Scott briefed what he had learned about the new construction. It would benefit both Valparaiso and Niceville through increased Community Development Block Grant (CDBG) and ad valorem revenue, allowing infrastructure improvements. When is that going to begin, asked Councilman Williams? Mr. Scott said July 1, 2023 is the plan and it is scheduled to be completed in March of 2025. Mr. Scott spoke about the future of natural gas and the current political environment in Tallahassee concerning that issue.

Chief Webster said during the month of January 2023, the Niceville Fire Department ran a total of 135 calls. We held a pinning ceremony for our newest firefighters coming off of probation, having completed their one year of service. The firefighters who helped during Hurricane Ian were also recognized during the ceremony. Firefighters of the year, Gabe Reed and Ethan Randolph, were also recognized by the Exchange Club. Crew members attended a lunch, by Ladies' Auxiliary from Twin Cities Hospital, to provide an emergency situations briefing. All crew members are continuously working on certifications, said Chief Webster. Good job; thanks, said Mayor Henkel.

Councilman Schaezle asked, what's the status of our new fire truck? Chief Webster replied, it looks like it's going to be August when the truck's supposed to arrive. So, we'll go up and do our final inspection some time in July.

Police Department – Update

Chief Popwell said, during the month of January, the Niceville Police Department responded to 4,548 calls for Police assistance. A total of 39 traffic crash reports written,

involving 73 vehicles. The estimated amount of damage to these vehicles and related property was \$256,750. A total of 110 traffic citations and 289 traffic warnings were issued. There were 15 misdemeanor arrests, 17 felony arrests, and we didn't have any DUI arrests this month.

Of note, our three homicidal suspects are scheduled for a pre-trial conference next month. Chief Popwell provided a brief explanation of law enforcement and court-related actions associated with the suspects. Chief Popwell provided an update about drive-by shootings from a couple of weeks earlier and the associated arrests.

Councilman Schaetzle said, Chief, as you know, they have an overdose summit in Crestview on January 18, 2023. It was a very good summit on opioid overdoses. I attended and sent out a summary report of the meeting. Do our first-responders carry Narcan, asked Councilman Schaetzle? Yes sir, replied Chief Popwell. Do you also carry Kloxxado? We only carry Narcan, replied Chief Popwell. Have you used Narcan, Councilman Schaetzle asked? No, the Fire Department and EMS have used it, replied Chief Popwell.

Councilman Schaetzle said Chief Mayville I'd like you to report each month how many times you have used Narcan and Kloxxado. Chief Mayville said, we use Narcan quite a bit. We work together with the Fire Department and respond to calls. Without Narcan, the individual will overdose and die. We have it on our trucks, and we have given it many times in the City of Niceville, said Chief Mayville. Our guys are all Emergency Medical Technicians (EMTs). Mayor Henkel said, Councilman Schaetzle has requested, if you would, include in your monthly report the number of times you administered Narcan. Yes sir, replied Chief Mayville.

Councilman Schaetzle said, this was a great summit. They had a guest speaker, Mr. Andrae Bailey. I will send you my summary of the meeting. There's another meeting on March 24, 2023. The City of Niceville has to establish some type of drug task force, said Councilman Schaetzle. The City of Crestview did this already. To quote Mayor Whitten, he said "It is great to talk about it, but now we must do something about it." In Crestview, they use billboards and put anti-opioid advertisements up there. I'm wondering if we, as the City of Niceville, don't need to have something on our billboards, just as a reminder. Councilman Schaetzle spoke more about how the County and Crestview are preventing opioid abuse.

Chief Mayville said he and Chief Popwell would check into that and see what kind of program they have going. This has been done some time ago at Niceville High School. We invited all of the participants and players, the hospital, law enforcement, fire departments.

There was actually a really big response. It continues today. This is something that won't go away, said Chief Mayville. Chief Popwell said these are great programs, but it is not going to solve the problem. The response needs to come from mental health and the hospital side. That's what the issue is, said Chief Popwell. There was more discussion about actions the City might consider to fight the opioid problem. Mr. Corbin said, I think the bottom line is you're going to work the problem even though it's a tough one to fix. Yes, said Chief Popwell.

Councilwoman Alley asked, what are the most overdoses from, is it fentanyl? Is it heroin? Chief Popwell replied, right now it is fentanyl and heroin. Chief Popwell spoke about which illegal drugs were most used and how it has changed over the years. Mr. Corbin asked, what would you say the average age is for users? Chief Popwell said some are as young as 14, up to mid-fifties.

Mr. Corbin said on a different subject, we have had two bear sightings in Niceville since the last Council meeting, at Turkey Creek walk and Bayshore Drive. August 1, 2023 is my last day, Mr. Corbin said. I started on August 1, 1971, so it will be exactly 52 years. I'm sure there will be a party of some sort, said Mayor Henkel.

Other Business:

Resolution 22-12-01 – Brit and Lorenzo Internicola, 324 Fir Avenue, request a variance to the Land Development Code, Table 7-2, R-1B zoning, to allow for a 9'6" rear setback as opposed to the required 15'. Metes and bounds description.

Mr. Doucet read Resolution 22-12-01 by title. Mayor Henkel asked Councilman Schaetzle to address the issue. Councilman Schaetzle said he had requested Resolution 22-12-01 be placed on the February City Council Agenda, and explained the history of Resolution 22-12-01 and why it was coming back to the City Council. The City Planning Commission heard the request in December 2022 before it came to the City Council in the same month. The City Council December action sent Resolution 22-12-01 back to the City Planning Commission to reconsider with new information the Planning Commission had not seen or considered. The resolution came back to the City Council in January 2023 after being considered by the Planning Commission a second time.

Councilman Schaetzle said, in full disclosure, I had visited Ms. Bleeka Traczyk's home prior to December's and January's City Council meetings so I could better understand her concerns and point of view. Councilman Schaetzle explained one reason he had requested bring back Resolution 22-12-01 again at this February Council Meeting was because Mr.

Carl Scott had only appeared at the end of the January Council meeting, voicing his position after the Resolution had been voted on as the Council was about to adjourn.

Councilman Schaetzle thoroughly explained the Roberts Rules of Order process called renewing the motion and why he was bringing the Resolution back. Councilman Schaetzle motion to renew Resolution 22-12-01, and stated he had been on the prevailing side of the previous vote on Resolution 22-12-01. Councilman Williams seconded the motion renewal. Council Vote: Williams-yes; Donahoo-no; Schaetzle-yes; Alley-yes. Motion passed.

Now we move to step 2, said Mayor Henkel. Councilman Schaetzle explained the next step, debating the resolution. Councilman Schaetzle made a motion to debate Resolution 22-12-01. Councilman Williams seconded the motion. Council Vote: Williams-yes; Schaetzle-yes; Donahoo-no; Alley-yes. Motion passed.

Mayor Henkel said let's debate. Councilman Schaetzle agreed, let's debate this again. Councilman Donahoo asked, for my understanding, why are we going through this again? Councilman Schaetzle explained his two reasons. First, the way the resolution was written, it addressed only one of two variances requested. Second, if Mr. Scott had been present when this was discussed last month, the vote may have been the same or the vote may have been different. So, it has to be debated again, said Councilman Schaetzle. A discussion followed about the way the resolution was written. Attorney Dixie Powell said we really seek a special exception, not a variance. A variance goes with zoning and a special exception goes with a set-back, said Attorney Powell.

Councilwoman Alley asked why are we bringing this back if it is worded incorrectly? Mayor Henkel said I'm not a legal expert, but when we ask for a 9'6" set-back versus a 15' set-back, I think you are covering both set-backs and it universally applies. Attorney Powell said, we can submit the resolution if the wording needs to be changed to some extent, for the City Council to finally approve. As long as we approve it orally, we can submit the written resolution. The resolution that's written is for a set-back, from the prior 15' to 9'6", said Mr. Powell.

So, the resolution as it was presented to us lists the most restrictive, or the most set-back of 9'6". The other one would have been 11'1". So, this is the largest set-back request, said Councilman Schaetzle. Mr. Powell said, I think it's fine for us to discuss it, and then we'll let the Council decide what to do, and then we'll fix the resolution accordingly. Councilman Schaetzle said I would like to ask Mr. Internicola or Mr. Scott to come forward. And, Ms. Traczyk and anyone else in the audience will have an opportunity to address this resolution.

Mr. Internicola, 324 Fir Avenue, introduced himself and spoke in favor of passing Resolution 22-12-01. Mayor Henkel asked, so we're talking about two very small portions of the proposed building? That is correct sir, replied Mr. Internicola. Attorney Powell asked, so you're requesting two set-backs, one of 9'6" from the required 15', and what is the amount of the other set-back you are asking for? Mr. Internicola replied, the other is 11' 7" off of the fence. Mr. Powell asked how many feet are you asking for on the second set-back? It will be 4.5', replied Mr. Internicola. Mr. Powell said we could have two resolutions, or we could put it in one; it doesn't matter. We need to add the 4.5' request from the required 15' set-back, said Mr. Powell.

Mr. Powell said, so we're requesting two special exceptions to the 15' required set-backs on the side of the property, and it's within the Council's discretion on whether to grant it or deny it. You have granted a lot of these, and with a lot further footage. That's not a large set-back request, said Mr. Powell. Councilwoman Alley said, just a correction, it's not the side of the property. It's the back of the property.

Councilman Williams asked, in that red space, could you actually go two stories if you wanted to? That is correct sir. We have a blue print for that also. It is an option that we've considered if this doesn't go through, replied Mr. Internicola.

Are there any more questions, asked Mayor Henkel? One more observation, said Attorney Powell. Your request, in your letter from Planning and Zoning, was for a side set-back, but this is a rear set-back, correct?

Mr. Carl Scott, 339 Okaloosa Avenue, Valparaiso, introduced himself and answered Attorney Powell's question. So, technically it's a triangle, so it's only three sides to this property. The original plat had two sides and a front, so we based it off of that. So, it's really not a rear. It's a side, said Mr. Scott. More discussion followed about details of the construction and landscaping options.

Attorney Powell said, I just want to make one observation. I think you, Mr. Scott had an independent building inspector? Mr. Scott said, yes sir, the deal I had with Pearl Adams, who is the building official for the County, was he makes me use Skip Miller, who's a licensed building inspector, to do my inspections. Then once the paperwork's done, it was forwarded to him for his signature. Mr. Powell said, just for the benefit of the public, you did that to abstain from any appearance of impropriety. Yes, and I did that for all of the houses. It's part of the public records, said Mr. Scott.

Ms. Bleeka Traczyk, 322 Fir Avenue, greeted the Council and spoke against approving Resolution 22-12-01. I want to thank you all for your time and consideration, she said.

Councilman Schaetzle said, thank you Mayor for turning it back over to me. Now we have debated this resolution, and we're at the third and final step, which means we vote again, and this vote will take precedence over the null and void previous vote.

Councilman Schaetzle said, I want to thank Ms. Traczyk for coming forward again and expressing her opposition to it, and Mr. Internicola and Mr. Scott also for that. I think it's clear that you intend to build regardless of whether this variance is granted or not. And, there's nothing the City Council or the City Planning Commission can do to stop your building. You are legally allowed to do that, said Councilman Schaetzle. I think that your request for a variance, if granted, would make your house more livable. Therefore, I will vote yes.

Mayor Henkel said, okay we have Councilman Schaetzle's vote. Ms. Alley?

Councilwoman Alley asked, doesn't there need to be an amendment to what we're going to vote on? Attorney Powell said if the question is whether we need two resolutions or one, we can put it all in one and I will amend Resolution 22-12-01 to have the 9'6" special exception from the prior 15' set-back, and the 4.5' special exception, from the prior 15' set-back requirement. There's no problem with orally making an amendment to the resolution at this time, said Mr. Powell.

Councilwoman Alley said I am going to vote yes only because this project is going to move forward and two variances are not going to change the wall. It's going to go up.

Councilman Williams said, my sentiments are the same as Councilwoman Alley's. Regardless of whether it's one story or two stories, it's going to be built.

Councilman Schaetzle moved approval. Councilman Alley seconded. Council Vote: Schaetzle-yes; Alley-yes; Donahoo-yes; Williams -yes. Motion passed.

Mr. Bryan Gates – Tourist Development Fund Allocation

Mr. Bryan Gates, 4432 Colleen Cove, spoke in favor of having the City fund part of the expense of constructing new bleachers at the Niceville High School (NHS) baseball fields. Mr. Gates said he had spoken with Ms. Charlotte Dunworth and confirmed the project is still eligible for TDC funds. Precedence has been set using County funds for upgrades to Okaloosa County School District (OCSD) ball fields when the County contributed to the upkeep of Shalimar Elementary Ball Park, said Mr. Gates.

Mr. Gates said during the school year, there will be three weeks of games played by teams from all over the Midwest, from 9 a.m. to 9 p.m. every night. During the summer the

baseball program teams up with Perfect Games Baseball Tournaments to host five or six weeks of tournaments, bringing in thousands of visitors. Having the best possible facilities draws the teams in. Then they return to vacation here. Niceville doesn't have a sports complex yet, so it utilizes NHS baseball facilities to host tournaments in the summer. All the City has to do is designate it as a "want to fund" project, said Mr. Gates.

I brought you an opportunity to make a difference now, that benefits our school and our sports by using other people's money. This is not Niceville's tax money. This is tourist money, said Mr. Gates. The County has declared the project eligible, and I encourage you to reconsider your position and declare that the NHS baseball bleacher project is in fact eligible and fund it accordingly, said Mr. Gates.

Councilman Schaetzle said, you have mentioned the school district is not going to be putting any funds toward this project. Why will the OCSD not put any funds toward this project, asked Councilman Schaetzle? Mr. Gates said the school district has made the decision not to fund any school's sports facilities. We've talked about the half-cent sales tax. Those projects are decided. Mr. Gates spoke about some projects OCSD has planned for the half-cent sales tax funds.

Councilman Schaetzle said, it's been 60 days since the last time you came forward. We had a motion and it passed, pending our City Attorney's review. So, I haven't looked at what you intend to do since then, because the City Attorney came back with a gray area letter of opinion. I don't think we are in a position tonight to take another motion and a vote on this without further review, said Councilman Schaetzle. You were on the agenda for Tourist Development funding allocation but we had no idea what your intentions were, said Councilman Schaetzle. So, you told us in five minutes. What do you expect us to do, now that you have given us this update? Mr. Gates replied, in your decision, from the way I read it in the meeting minutes, the Niceville High School bleachers project does not meet Tourist Development Council funding requirements. I've asked you to please reconsider your position and declare this Niceville High School baseball bleacher project is TDC funding eligible, and to fund it accordingly pending City Attorney's opinion which, I just told you, doesn't conform with what the County has in design for the TDC, said Mr. Gates.

Councilwoman Alley asked, are you saying that March 1, 2023 is our deadline to request what we're going to do with the TDC money? Mr. Gates replied, for 2024 money, yes. Mr. Morris explained the details of the approval process for TD tax funding of projects, and the requirement that the funds be included in the adopted budget before they can be spent. Councilwoman Alley asked if the \$150,000 for the aquatic center project was included in the current budget. Mr. Morris said the \$150,000 is in the budget for the current year.

Attorney Powell, said Councilman Nodjomian made a point in the January City Council meeting, that he was concerned about prioritizing other projects for the request. We were going to look into that. So, is this the only request we have, or do we have other projects that we need to prioritize, asked Attorney Powell? Mr. Morris said the aquatic center is also on the list. There has not been a process put in place yet. Ms. Hanson is working on putting something together. She's been working with several outside people, putting together a process for people to request money from the City. At this point, that has not been put in place. So, we do not have other requests besides the aquatic center that they've been working on, said Mr. Morris.

Councilwoman Alley asked, what's going to be on the request for March 1, 2023 for next year? Mr. Morris replied, I am not positive about that yet. Mr. Corbin and I are going to get together this week and discuss that. Attorney Powell asked, so NHS bleachers are something you could consider? Mr. Morris said, that is another point I was going to make. Technically, the project could meet the definition. The big issue is the amount of money that it will qualify for. They will only pay based on the percentage of time that it is used for tourist-related activities. So, in order for us to pay for half of that project, they would have to prove that half of the use of that facility was for tourist-related activities. Local sports games, and things like that do not qualify. The project would not qualify for nearly the amount of money that was discussed, said Mr. Morris.

Councilwoman Alley asked, so the Council tonight could make a recommendation to have it put it on the request for March 1, to be considered for a lower amount of money. Is that correct? Mr. Morris said, my understanding is yes. That would be correct. I don't know what they will require as far as justification for how much we're asking for, said Mr. Morris. If we passed something tonight, and then it went through the process, and then it didn't qualify because it didn't meet the criteria, then we would not be able to fund it out of TDC money anyway, asked Councilwoman Alley? As long as the motion is worded that way, yes 100 percent correct replied Mr. Morris. More discussion followed.

Part of my opinion is, this may qualify. From a general public standpoint, how big of an impact on tourism is that going to have, asked Mr. Powell? The TDC and the County allocate the money. Of course, we want to help the High School. The City contributes a substantial amount for the track, said Mr. Powell. Councilwoman Alley asked does Mr. Gates need to do a formal request to be considered for one of the projects for funding for next year? Mr. Powell said, I think we might need to review the minutes too, where Councilman Nodjomian made the observation that we may want to try to prioritize some of the projects.

How about we go ahead and add some money for that, not necessarily with a motion on it tonight, asked Mr. Morris? We can go ahead and put the request in on March 1, find out

what we have to do to qualify, and then, as part of the budget process, include the amount they tell us that will qualify? Mr. Corbin asked, Chad you say as part of the budget process; are you talking about fiscal year 2024? Yes sir; if we request it from the TDC this month, that money would not be available to us to use at all until October 1, 2023.

Mayor Henkel said, a suggestion and recommendation would be to have a workshop to decide which projects qualify for TDC funds, so we can make the submission by March 1, 2023. I'd be curious to know which projects are being discussed, if any, asked Mayor Henkel? Mr. Morris said, right now it's just the aquatic center. Mayor Henkel said, so before we jump out there, let's figure out which projects are really important to us. I'm not saying that the one Mr. Gates is offering isn't important. I just think we need to figure it out first, before we just put something out there without understanding the consequences.

Councilman Williams said, with larger projects like this, you usually get three quotes on building construction costs and things. Have you gotten any? Mr. Gates said, it's \$235,000 for the stand. I have folks to tear down, and folks to do concrete. Due to the concrete, we've estimated the project's going to cost \$400,000, just based on concrete being very expensive. I have one estimate from Southern Bleachers, to answer your question, said Mr. Gates. Mayor Henkel asked, I understand this was only feasible if your team or group could raise the money? Absolutely, replied Mr. Gates.

Councilwoman Alley asked, since we're two weeks away from the submission deadline, how do you suggest we move forward? Mayor Henkel said, I suggest we not move forward until we've discussed with the City Manager what we want to do there. We can come back once we have a decision of what we want to do, and make a recommendation or a motion. Discussion followed.

Mr. Gates said, the chances of this being done before October are pretty slim, and what was decided was that this did not qualify for TDC funds. Mayor Henkel said the motion, if it passed with our legal counsel, was we would move in that direction. It didn't pass because there were things that we did incorrectly. So, I would strongly recommend to the Council that you take no action until we have a chance to get together and talk about which way we want to go, and then how we want to move forward, said Mayor Henkel.

Councilwoman Alley said, all I'm suggesting is that this project be one of the ones we consider moving forward. We can do that, replied Mr. Morris. Thank you, said Mayor Henkel. Councilwoman Alley said, I'd like to thank Ms. Hanson for this email on applications. Thank you very much.

Bills Payable

Councilman Schaetzle motioned approval to pay the bills. Councilman Williams seconded. Council Vote: Williams-yes; Donahoo-yes; Schaetzle-yes; Alley-yes. Motion passed.

Final Comments

Mayor Henkel said let me start with the Council and then we'll get to the citizens. Councilman Schaetzle is there anything you would like to bring forward?

Councilman Schaetzle said, other than what I've said already tonight about opioids, grants, and renewing the motion, I'd like to thank Mr. Corbin and City staff, and all the outside folks who have put together a great Boston Butt sale this weekend. It was really appreciated and they tasted good.

Councilwoman Alley said, I had the opportunity to present a key to the City to the Cardinal from D.C. for the opening of Black History Month at Christ Our Redeemer Church. It was kind of funny when he gave his talk, because he said that after he turned down being a keynote speaker to Niceville, Florida. So, I was honored to be there. It was very uplifting and moving. I was honored to do that, said Councilwoman Alley.

Councilman Donahoo asked Mr. McCool, can we have an update on the bonfire? Mr. McCool said yes. It will be Saturday at 5:30 p.m. Thank you said Mayor Henkel.

Councilman Williams said, I attended the tourist development conference, so I wanted to give you an update. The number of visitors in 2019 was 7.6 million. In 2020, 6 million. In 2021, 8.3 million, and in 2022 there were 7.9 million visitors. Also, the tax revenues for those dates are: 2019, \$23 million; 2020, \$18 million; 2021, \$32 million; 2022, \$36 million.

Councilman Williams said, just some other highlights, TDC advertising received some awards. From U.S. Travel Destinations, they received the Destiny award at the Governor's conference. They received four Henry awards and one Silver Flagler award. Several top-tier journalists came here, including NBC News, Rachel Ray, Travel & Leisure, and Discovery Channel. They highlighted places like the Gulfarium, Turkey Creek, Fudpuckers, the artificial reefs, and things like that. Also, this past Friday, with the TDC money, they purchased property on the beach so there's more beach access for the locals.

Councilman Williams said with TDC money they're going to build two walk-overs, at Crystal Shores and at Tarpon Street, for safety issues for the community. The things they are working on are Destination Stewardship and Little Adventures. For kids that are traveling to the area, they have these locations where they'll have events like surfing,

snorkeling, taking them to a local museum, and things like that. Money is going toward turtle nesting programs, marine law enforcement, water quality testing, transportation, beach access, dredging, and infrastructure. Please highlight infrastructure. I love all of the visitors, but something we need to work on is infrastructure, said Councilman Williams.

Good points, said Mayor Henkel. Probably of interest to most people here, is what you heard this evening from Mr. Corbin. That was that he has given us a definitive retirement date of August 1, 2023. If you don't know, it is the Council's responsibility to hire a new City Manager, said Mayor Henkel. There is a plan in place to make that happen. That plan will involve the Council, some of the City employees, and some of the citizens from the City of Niceville. I expect to have an advertisement out, probably within the next week. That advertisement that I am proposing is going to the Council via Mr. Doucet, and they will look at it. If they have any comments, they will get back to me, and I will remind the Council in order to conduct business in the sunshine, do not reply to all. Reply to me.

Once that hits the streets, it's a very desirable job. I expect we're going to see a lot of resumés coming in. That team that I mentioned to you, consisting of myself and a Council member, and a couple of folks from the City as well as citizens of the City itself, will be reviewing these resumés and conducting interviews. Then, the team will make recommendations to the Council, probably in the form of a rack and stack, from three candidates up to whatever we think is appropriate. The Council will conduct interviews and will make hiring decisions. So, that's just so you know a plan is in place to get somebody in place by no later than July 1, 2023. With 52 years of knowledge, we'd like to have that knowledge disseminated to the next City Manager, said Mayor Henkel. That's all I have. Would anyone like to come forward to address the Council on any issues?

Pat Nobles, 308 Callaway, Niceville, came forward and asked for advice concerning his homeowner's association (HOA). Mr. Nobles said I don't want to bring up the homeowner's association, I want to bring up that on January 17, 2023 I applied for a building permit. I still don't have a building permit. Without HOA approval, I'm not getting my building permit, said Mr. Nobles. Is the City aware of how these HOAs are operating when they say, we need their approval to issue a building permit, asked Mr. Nobles? I've already started legal action with my HOA over this subject, said Mr. Nobles. I wanted the Council and the Mayor to be aware that there are inequities going on. People are doing the right thing and being held up because the City is tying itself to the actions of the HOAs, said Mr. Nobles.

Attorney Powell said, I can address that Mr. Nobles. You and I spoke and I spoke to Carl. I suggested you get a lawyer, because that's a situation between you and the HOA, said Mr. Powell. More discussion followed. I'm just giving a legal opinion to keep the City out of unnecessary litigation, said Mr. Powell. I just wanted to make sure everyone on the City

Council knew this was happening. I emailed the Council as well, said Mr. Nobles. Mr. Powell said, I'm trying to work with you as well to get this done. More discussion followed. Mayor Henkel said, I should remind everybody, you do get three minutes.

Charles Robinson, 216 Yacht Club Drive, Niceville, said I am the president of the Dana Pointe HOA that Mr. Nobles referred to. We have been in contact with him. Our architectural committee has reviewed what he wanted to build and said no; that doesn't meet what we want him to build. After providing more details, Mr. Robinson said the HOA revised their decision. If he wants to build the shed, 12' by 20' by 11', which is exactly what he specified, we're willing to compromise. That doesn't match what we've done before, but we'll make an exception. We like to keep the neighbors happy and the attorneys out of it. Mr. Robinson provided more details.

Mayor Henkel asked, would anyone else like to come before the Council?

Councilman Schaetzle said the Florida League of Cities has an award program for the Youth Advisory Council, and they have won six awards. They also had awards for cities. They just released, this afternoon, and they have expanded it from four to five awards. I've mentioned this before. There's a City Spirit Award. They've changed the name to the Local Action Award. I have already set up meeting with Julie Mooney on Monday, because I mentioned before that we're going to look at submitting the Niceville Senior Center. I'll have a report for you next month, said Councilman Schaetzle.

There being no further discussion the meeting adjourned at 7:47 p.m.

MAYOR

ATTEST:

CITY CLERK

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